

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

FILED
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CLERK
US BANKRUPTCY COURT
DISTRICT OF DELAWARE

In re:

JRA FURNITURE INDUSTRIES, LLC :
Debtor :
CHAPTER 7
CASE NO. 07-10752BLS

NOTICE OF APPEAL

Notice is hereby given that One Beacon Insurance Co., insurer of the debtor named above and a necessary participant in any future proceedings against the above named debtor, hereby appeals to the United States District Court from the Order GRANTING Sam's East, Inc.'s Motion for Relief from Stay to proceed against debtor (JRA Furniture Industries, LLC) up to amount of insurance coverage, entered in this action on September 10, 2007.

The parties to the Order appealed from and the names, addresses and telephone numbers of their respective counsel(s) are:

Debtor's Attorney

Sherry Ruggiero Fallon
Tybout, Redfearn & Pell
300 Delaware Avenue, Suite 100
Wilmington, DE 19801

U. S. Trustee:

George L. Miller
1628 John F. Kennedy Blvd.
Suite 950
Philadelphia, PA 19103-2110

Defendant's Attorney

Howard M. Lessinger
3445 Peachtree Road, N.E.
Suite 500
Atlanta, GA 30326

Defendant

Sam's East, Inc.

Respectfully submitted this 18 day of Sept., 2007.

CLARK AND CLARK

BY: 

Fred S. Clark
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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In Re:

JRA FURNITURE INDUSTRIES, L.L.C.,

Debtor.

Chapter 7


Case No. 07-10752 BLS

REVISED ORDER FOR RELIEF FROM AUTOMATIC STAY [D.I. 16]

AND NOW, on this 10th day of September, 2007, came onto be considered the Motion of Sam's East, Inc. For Relief From Stay to Proceed Against Debtor Up to Amount of Insurance Coverage [D.I. 16], filed herein for relief from the automatic stay to permit the prosecution of a civil action in the State Court of Chatham County, Georgia to final judgment, and any responses thereto. The Court having considered and heard the evidence and arguments of counsel, it has become the opinion of the Court that relief from the automatic stay will be allowed as requested.

IT IS THEREFORE ORDERED, adjudged and decreed that, Movants be granted relief from the stay in order to permit Movants to apply the proceeds of Debtor's insurance to the extent that any such proceeds are available to any judgment and attorneys' fees and costs that may arise as a consequence of litigating the Movant's Cross-claims.

To the extent that a portion of the judgment is not covered by insurance, which is an issue to be determined by the Georgia Court, the parties do not release or waive the right to litigate or resolve the validity of any proof of claim filed by the Movants in the Bankruptcy case, as to which all parties' rights and defenses are preserved, including whether Movant's proof of claim shall be allowable.


The Honorable Brendan Linehan Shannon

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

APPEAL TRANSMITTAL SHEET

Case Number: _____ ☐ BK ☐ AP
If AP, related BK Case Number: _____

Title of Order Appealed:

Docket Number: _____ Date Entered: _____

Item Transmitted: ☐ Notice of Appeal ☐ Motion for Leave to Appeal
☐ Amended Notice of Appeal ☐ Cross Appeal

Docket Number: _____ Date Filed: _____

*Appellant/Cross Appellant:

*Appellee/Cross Appellee

Counsel for Appellant:

Counsel for Appellee:

**If additional room is needed, please attach a separate sheet.*

Filing Fee paid? ☐ Yes ☐ No

IFP Motion Filed by Appellant? ☐ Yes ☐ No

Have Additional Appeals to the Same Order been Filed? ☐ Yes ☐ No

If so, has District Court assigned a Civil Action Number? ☐ Yes ☐ No Civil Action # _____

Additional Notes:

Date

By: _____
Deputy Clerk

Bankruptcy Court Appeal (BAP) Number: _____
7/6/06

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